



Carroll County Maryland

Code of Public Local Laws and Ordinances

Chapter 16, ENVIRONMENTAL ADVISORY COUNCIL

[HISTORY: The Environmental Affairs Advisory Board was created by the Board of County Commissioners of Carroll County 02/04/93 by Res. No. 269-93. This chapter was repealed and replaced in its entirety 07/09/04 by Ord. No. 04-20]

§ 16-1. Establishment; purpose.

§ 16-4. Duties.

§ 16-2. Membership; vacancies.

§ 16-5. Authority.

§ 16-3. Election of officers; compensation.

§ 16-1. Establishment; purpose.

A Carroll County Environmental Advisory Council is hereby established. The purpose of the Environmental Advisory Council is:

- A. To participate in the development of broad policy plans designed to guide the County's environmental future.
- B. To review specific issues of environmental concern and assist the Board of County Commissioners to protect Carroll County's environmental heritage, conserve Carroll County's natural resources, and restore environmentally degraded areas within Carroll County.
- C. To advise the Board of County Commissioners and the citizens of Carroll County of actions that could be taken to improve the quality of the environment in Carroll County, as well as of any that may threaten it.
- D. To assist with environmental educational efforts.
- E. To serve as the County Tree Commission.

§ 16-2. Membership; vacancies.

A. Membership.

(1) Nine persons shall be appointed by the Board of County Commissioners to serve as the membership of the Carroll County Environmental Advisory Council. The membership should represent a cross section of the citizens of Carroll County and should be selected by the County Commissioners to generally represent the agricultural, business, development, environmental communities and citizens-at-large.

(2) Members of the County Environmental Advisory Council will be residents of Carroll County and will be appointed to serve terms of 4 years. Appointments shall be staggered such that individual terms are overlapping.

§ 16-3. Election of officers; compensation.

The County Commissioners shall appoint a Chair. The Environmental Advisory Council may elect other officers from its membership as it deems necessary. The Environmental Advisory Council shall hold public

meetings in such number and at such intervals and at such places as it deems appropriate. Members of the Council shall serve without compensation.

§ 16-4. Duties.

A. The Carroll County Environmental Advisory Council may provide the Board of County Commissioners with specific recommendations for action by the County that are intended to result in improvements to the County's environmental policies.

B. The Environmental Advisory Council may also make recommendations concerning any environmental issues or concerns referred by the Board of County Commissioners or the general public.

C. It will also be the responsibility of the Environmental Advisory Council to report to the County Commissioners yearly, concerning the state of the County's environment as it relates to resource management and the quality of life in Carroll County.

D. The Environmental Advisory Council shall serve as the County's Tree Commission providing advice and guidance to the County on tree maintenance policies and specific administrative plans involving tree placement, maintenance and removal.

§ 16-5. Authority.

The function of the Environmental Advisory Council shall be governed by this chapter and the bylaws adopted by the Council and subsequently approved by the Board of County Commissioners.



Carroll County Maryland

Code of Public Local Laws and Ordinances

Chapter 185, SOLID WASTE

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ARTICLE I, Licensing of Collectors

[Adopted 05/21/92 by Ord. No. 94]

§ 185-1. Definitions.

For the purposes of this article, the following definitions describe the meaning of the terms used:

ASBESTOS -- Any of the naturally occurring mineral fibers of the serpentine and amphibole series including actinolite, amosite, anthophyllite, chrysolite, crocidolite, and termolite.

BULKY WASTE -- Large items of solid waste which because of their size or weight require handling other than normally used for solid waste. Bulky waste includes, but is not necessarily limited to, such items as auto bodies, tree trunks and stumps, appliances, and furniture, but does not include recyclable appliances.

CLEAN FILL -- An uncontaminated non-water-soluble, nondecomposable, inert solid such as rock, soil materials, and gravel.

COLLECTION -- The act of picking up solid waste at its point of generation or storage and placing it in a vehicle.

COMPTROLLER -- The Department of the Comptroller for Carroll County.

CONSTRUCTION/DEMOLITION WASTE -- Does not include the following if they are separated from other waste and used as clean fill:

A. Uncontaminated soil, rock, stone, gravel, unused brick, and block and concrete.

B. Waste from land clearing, grubbing, and excavation including trees, brush, and vegetative material.

CONTAINER -- Any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

CONTAMINATED SOIL -- A portion of solid waste consisting of hydrocarbon contaminated earth or

fill, typically generated due to a spill or leak. Contaminated soil is a special handling waste.

COUNTY -- The Board of County Commissioners of Carroll County, a body politic and corporate of the State of Maryland and, where appropriate to the context, the area located within the geographic boundaries of Carroll County, Maryland, including the municipalities located therein.

COUNTY FACILITY -- Any solid waste acceptance facility owned or operated by or on behalf of Carroll County.

DEPARTMENT -- The Department of Public Works or any successor agency designated by the County.

[Added 04/25/02 by Ord. No. 02-08]

DISPOSAL -- The storage, treatment, utilization, processing, or final disposition of solid waste, specifically including the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

DISPOSAL FACILITY -- A waste management facility used for the final disposal of residual materials not currently reusable for either technological or economic reasons.

ENVIRONMENTALLY UNSOUND -- Any persistent or continuous condition resulting from the methods of operation or design that impairs the quality of the environment when compared to the surrounding background environment or violates any federal, state, County, or municipal standard.

FREE LIQUIDS -- Liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

FRIABLE ASBESTOS MATERIAL -- Any material that contains more than 1% asbestos by weight and that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure or otherwise could become airborne.

GENERATOR -- Any person who produces any waste materials regulated by this article.

HAULAGE VEHICLE -- A vehicle designed for and used to transport solid waste between one solid waste facility and another; a transfer vehicle.

HAULER -- A person engaged in the act of collection of solid waste and/or transporting such waste between solid waste facilities.

HAZARDOUS WASTE -- Any refuse, sludge, or other waste material or combination of refuse, sludge, or other waste materials in solid, semisolid, liquid, or gaseous form, which, because of its quantity, concentrations, or chemical, physical, or infectious characteristics, as defined in 40 CFR 261, may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, and reactive wastes, poisons, irritants, and corrosives.

HOUSEHOLD HAZARDOUS WASTE -- Hazardous waste, as defined above, generated in a residential household, that is exempt from the regulations governing the storage, transport, and disposal of hazardous waste, due to the relatively small volume of generation by a single generator or household.

MDE -- The Maryland Department of the Environment.

MATERIALS RECOVERY FACILITY (MRF) -- A solid waste facility, such as a transfer station or waste processing facility, that is designed, operated, and permitted to process a nonhazardous waste stream by utilizing manual and/or mechanical methods to separate from the incoming waste stream

categories of useful, reusable, or recyclable material for reprocessing and reuse.

MUNICIPAL SOLID WASTE or MSW -- Garbage, refuse, rubbish, trash, and other solid waste from residential, commercial, industrial, and community generators which is collected in aggregate, but does not include special handling wastes, hazardous waste, household hazardous waste, recyclables, residual waste, auto hulks, ash, construction and demolition debris, mining wastes, sludge, agricultural wastes, tires, and other materials collected, processed, and disposed of as separate waste streams. *[Amended 04/25/02 by Ord. No. 02-08]*

OPEN BURNING -- The combustion of any material without any of the following characteristics:

- A. Control of combustion air to maintain adequate temperature for efficient combustion.
- B. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion.
- C. Control of emission of the gaseous combustion products.

PERSON -- An individual, trust, firm, joint-stock company, federal agency, corporation (including a government corporation), corporate official, partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

PUBLICLY OWNED TREATMENT WORKS or POTW -- Any device or system which is owned by the state, a municipality or a public authority and used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

RECYCLABLES (also **RECYCLABLE MATERIALS**) -- Those materials that can readily be separated from the waste stream and readily reused in their present form or can be converted into raw materials from which new products can be manufactured.

RECYCLABLE WHITE GOODS -- Consist of large appliances (i.e., generally weighing more than 50 pounds) including, but not necessarily limited to the following: air conditioners, clothes washing and drying machines, dish washers, hot water heaters, refrigerators and freezers, or stoves and ovens.

RECYCLING OR RECLAMATION -- Any lawful method, technique, or process used to collect, store, separate, process, modify, convert, treat, or otherwise prepare recyclable materials.

RESIDUE -- Any material that remains after completion of manual, thermal, mechanical, or chemical processing.

RESOURCE RECOVERY FACILITY -- Any place, equipment, device, or plan designed and/or operated to separate or process solid or liquid waste into usable secondary materials, including fuel and energy.

SALVAGING -- The controlled removal of any a solid waste from solid waste disposal facility for reuse.

SANITARY LANDFILL -- A facility at which solid waste is deposited on or into the land as fill for the purpose of permanent disposal and which has received all necessary permits.

SCAVENGE or SCAVENGING -- Removal of recyclables or other items from the waste stream without the prior approval of the generator or, if removed by the generator and placed for delivery to a hauler or committed to a hauler, without the prior permission of the hauler; or removal in a manner not authorized in this article. It does not include separation or segregation of waste for purposes of implementing the County's recycling program.

SLUDGE -- Any solid, semisolid, or liquid residue consisting of solids combined with water and

dissolved materials in varying amounts generated from a municipal, commercial, or industrial water or wastewater treatment plant or flue gas scrubber. Sludge includes fecal matters from whatever source.

SMALL BUSINESS -- Any business that has fewer than 25 full-time employees. The business may be constituted under any legal form.

SOLID WASTE -- Garbage, refuse, residue, sludge, and other nonliquid discarded materials resulting from personal, residential, community, mining, agricultural, industrial, or commercial activity, including recyclables. Solid waste does not include solids or dissolved materials found in domestic sewage or other untreated pollutants, i.e., silt or other dissolved or suspended solids found in water or wastewater and any hazardous waste.

SOLID WASTE ACCEPTANCE FACILITY -- Any sanitary landfill, combustion plant (i.e., incinerator), transfer station, resource recovery facility or materials recovery facility (MRF), which has a primary purpose to dispose of, treat, or process solid wastes.

SOLID WASTE MANAGEMENT -- The systematic and integrated administration of activities involving the collection, separation, storage, transportation, transfer, reuse, or disposal of solid wastes considering adequate measures for environmental protection, sound engineering, and efficient economics.

SPECIAL HANDLING WASTES -- A portion of municipal solid waste which consists of sludge, ash residue, contaminated soil, asbestos waste, or other waste designated by the County. *[Amended 04/25/02 by Ord. No. 02-08]*

TRANSFER STATION -- An intermediate waste facility at which mixed municipal solid waste or other materials are temporarily deposited before being transported to a processing facility or final disposal site.

TREATMENT -- Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste, or so as to recover energy or material resources from the waste, or so as to render such waste nonhazardous, or less hazardous, safer to transport, store, or dispose of, or amenable for recovery, amenable for storage, or reduced in volume.

WASTE STREAM -- All MSW, industrial waste, hazardous waste, medical waste, recyclables, and sludge in any form (i.e., solid, liquid, or gaseous) that is disposed of by the generator.

YARD WASTE -- Any materials normally generated in the maintenance of gardens, yards, lawns, or landscaped areas, whether residential, commercial, or public, including leaves, grass clippings, plants, shrubs, prunings, and trimmings. Yard waste does not include other tree waste, land clearing debris, waste pavement, or soil. *[Amended 04/25/02 by Ord. No. 02-08]*

§ 185-2. Licensing requirements.

A. License required.

(1) After June 30, 1992, no person shall engage or continue to engage in the collection, haulage, or disposal of solid wastes, including the purchase of recyclables, within Carroll County without first filing for and obtaining a license from the County. Hauler licenses may not be assigned to any other person without the prior consent of the County, which consent will not be unreasonably withheld.

[Amended 04/25/02 by Ord. No. 02-08]

(2) After June 30, 1992, no licensee shall collect or transport any solid wastes to or from any solid waste acceptance facility in any vehicle or container that has not been licensed by the County for that use.

(3) Vehicle licenses issued hereunder in the form of a sticker may not be transferred to any other vehicle and must only be affixed to the vehicle for which it is issued. Licenses issued hereunder shall be and remain the property of the County. Stickers shall be firmly affixed in a prominent location on the left front (driver's side) of the vehicle so that it can be readily visible to the scale house operator. *[Amended 04/25/02 by Ord. No. 02-08]*

(4) Hauler licenses shall be issued for one year on a fiscal-year basis (July 1 through June 30). Vehicle licenses may be issued for 2 years on a fiscal-year basis (July 1 through June 30). There will be no proration of fees for licenses issued during the course of the fiscal year. *[Amended 04/25/02 by Ord. No. 02-8]*

(5) A licensee shall notify the County within 30 days of any change of information supplied in its application for a license.

(6) The failure to provide the information required by subsection A(5) hereof shall be grounds and sufficient cause to revoke summarily the license.

(7) The County may refuse to issue, suspend, or revoke a license for any vehicle which does not comply with MDE, MDOT, USDOT regulations and County specifications; for any vehicle for which insurance coverage is not maintained in accordance with this article; or for any vehicle owned, used, or leased by a person who violates, or whose employees or agents violate, any provision of this article or any license issued hereunder. In addition, the County may bar vehicles or containers from County facilities if in the County's opinion the vehicle or container may cause a nuisance.

(8) The following persons are not required to obtain a license required by this section:

- (a) Persons transporting solid wastes and recyclables generated in such person's primary residence or in such person's small business. Any officer, owner, or bona fide employee of a small business which generates solid waste may haul waste generated by the small business for the small business.
- (b) A farm owner, operator, or bona fide employee hauling agricultural wastes and recyclables generated on any single farm.
- (c) Persons transporting solid wastes or recyclables in interstate commerce which were not generated or are not to be disposed of in Carroll County.

B. Application for license.

(1) Applications for licenses issued hereunder shall be made on forms supplied by the Comptroller and shall contain all information requested by the County. An application will not be accepted or processed unless it is complete. That information shall include, but is not limited to, the following:

- (a) Name of the applicant.
- (b) Applicant's mailing address.
- (c) List of the vehicles and equipment owned and leased by the applicant which are to be permitted hereunder.
- (d) Proof of insurance.
- (e) Name and address of the primary contact acting as representative for the applicant.
- (f) The appropriate fee based on the fee schedule supplied by the Comptroller.
- (g) A description of the hauler's plan for the collection and disposal of solid waste including recyclables.

(2) Within 30 days of filing the application for license, the applicant will be notified by the Comptroller whether or not the application is complete.

(3) Applications for license renewals must also be filed with the Comptroller no later than April 30 of each year. Short-form renewals are available from the Comptroller if the data listed under § 185-2B(1) has not changed. If the information has changed, a modified full application must be filed.

[Amended 04/25/02 by Ord. No. 02-08]

(4) A licensee shall notify the Comptroller within 30 days of any change of information supplied on its application for a license.

(5) Failure to provide any information required in connection with any license application or renewal or failure to inform the County of any change in information previously supplied in connection with any application or renewal shall be grounds and sufficient cause to either deny any pending application or to revoke, or suspend any active license of a solid waste hauler.

§ 185-3. General waste handling requirements.

Any person, regardless of whether he/she is required to be licensed, who collects, hauls, or disposes of solid waste shall comply with the following requirements:

A. No person shall deposit solid waste except in approved solid waste acceptance facilities in accordance with § 185-4 of this article; no person shall scavenge; and upon the passage of 90 days from the County's adoption of a resolution declaring that recycling is mandatory, no person shall deposit recyclables except in a separate container designated for that purpose nor shall any person commingle recyclables with any other type of solid waste. *[Amended 04/14/94 by Ord. No. 114]*

B. No person shall cause solid waste except recyclables to remain or to be stored in any collection or haulage vehicle. In case of inclement weather, act of God, or emergency such as equipment breakdown or accident, no solid waste shall be allowed to remain or to be stored in any collection or haulage vehicle in excess of 24 hours. If an emergency arises or inclement weather occurs, the hauler is responsible for having the material removed to its intended destination in a timely manner.

C. No person shall cause a vehicle to be used for the collection or haulage of solid waste if the design of the vehicle is such that any material could spill onto any roadway. *[Amended 04/25/02 by Ord. No. 02-08]*

D. No person shall cause a vehicle used for hauling solid waste to be used beyond its design capabilities or in such a manner that littering or spillage of the materials could occur.

E. All work or collection crews operating solid waste collection systems shall take reasonable care to protect the property of customers being served. Any damage or spillage of materials occurring as a result of the collector's actions shall be the collector's responsibility.

F. No person shall collect, transport, or deliver any solid waste in Carroll County in such manner as to allow for littering, spillage, or the creation of a nuisance in any other manner. All loads shall be secured and covered, if necessary. No person shall collect, transport, or deliver recyclables if the recyclables are commingled with any other waste, except pursuant to the provisions of a license issued hereunder; and upon the passage of 90 days from the County's adoption of a resolution declaring that recycling is mandatory. *[Amended 04/14/94 by Ord. No. 114]*

G. No person shall collect, transport, or deliver to any designated County facility any material that is or shows evidence of smoking, smoldering, or burning.

H. In the event a person must dump materials in transit in an emergency due to smoking, smoldering, or

burning, that person shall be responsible for immediately notifying the Department of Public Works and the Police and Fire Departments having jurisdiction, and shall be responsible for cleanup of materials dumped during the emergency. Cleanup shall be accomplished promptly, but in no event later than 24 hours after dumping, and the material shall then be properly disposed of. *[Amended 04/25/02 by Ord. No. 02-08]*

I. No person shall manage or dispose of a part or fraction of the waste stream except in accordance with all applicable federal and state laws and regulations and this article.

J. No person shall use open burning as a means of solid waste management in Carroll County, unless permitted by the appropriate state or local regulatory authority.

K. No person shall manage or dispose of any part of the waste stream within Carroll County in any manner which results in or may result in the creation of any potential for contamination of existing natural environmental resources, i.e., surface water and groundwater quantity and quality and air quality, or that could result in any environmentally unsound condition.

L. The County is hereby authorized to require that recyclables be disposed of separately from all other waste; provided, however, that the exercise of the authority hereby granted shall not be effective until the passage of 90 days from the day on which the County adopts a resolution declaring recycling mandatory. The County shall cause notice to be published in a newspaper of general circulation in Carroll County outlining in substance the effect of their resolution declaring recycling mandatory. No person shall dispose of recyclables except as allowed under the provisions of this article. *[Added 04/14/94 by Ord. No. 114]*

§ 185-4. Solid waste acceptance policies.

A. Only solid waste generated in Carroll County may be delivered to or disposed of at County facilities. Solid waste generated in the Town of Mt. Airy that conforms to a contract between the Town of Mt. Airy, Maryland, and the County may be disposed of at County facilities. If the solid waste is a special handling waste, it may not be delivered to a County facility unless a permit has been issued allowing the delivery and then, only in strict compliance with the terms thereof.

B. Any person delivering unacceptable waste, including waste generated outside Carroll County, to a County facility will be responsible for the payment of any fine that may be assessed, for the removal of the unacceptable waste from the site, cleanup and remediation of any damages resulting from such delivery, and reimbursement of all costs and damages incurred by the County as a result of such delivery in addition to payment of the applicable solid waste management fee.

C. Unacceptable wastes.

(1) The following are considered unacceptable wastes, and no person shall deposit or cause to be deposited any of the following materials in any County sanitary landfill:

- (a) Hot ashes or any material that shows evidence of smoking, smoldering, or burning.
- (b) Guns, rifles, pistols, firearms, or ammunition of any kind.
- (c) Explosive materials or other lethal wastes.
- (d) Electric arc furnace dust.
- (e) Tree stumps.
- (f) Logs, branches, or timbers with dimensions as determined by the Department. *[Amended 04/25/02 by Ord. No. 02-08]*
- (g) Concrete slabs, curbing, brick bats, stone, or similar material of any dimension which is greater than 6 inches.

- (h) Gasoline, oil products, petroleum product waste and sludge or any combustible material.
- (i) Pipe measuring over 4 feet in length or 4 inches in diameter.
- (j) Special handling waste without a permit for same.
- (k) Motor vehicles or any part thereof.
- (l) Hazardous wastes.
- (m) Sealed drums, closed large containers, and tanks of any size or type.
- (n) Liquids or wastes containing free liquids.
- (o) Intact bulky wastes.
- (p) Toxic wastes.
- (q) Pathological/infectious or other medical wastes.
- (r) Radioactive wastes.
- (s) Any substance prohibited by any other statute, rule, or regulation.
- (t) After May 1, 1994, yard waste. *[Added 04/14/94 by Ord. No. 114]*
- (u) Upon the passage of 90 days from the County's adoption of a resolution declaring that recycling is mandatory: recyclables. *[Added 04/14/94 by Ord. No. 114]*

(2) If permitted by law, the County may issue permits to allow any of the foregoing as special handling wastes.

D. Delivery of special handling wastes to any County-operated solid waste acceptance facility without a special permit issued by the County is prohibited. All special handling wastes shall be segregated from other categories of waste from the point of generation.

- (1) A person wishing to dispose of special handling wastes shall apply for a permit to do so on a form provided by the County for that purpose and in the manner prescribed by the County giving sufficient time for the application to be reviewed and processed prior to the date of intended delivery. Application for a permit to dispose of special handling wastes must include a complete description of the waste in question and the required fee. The County may require the submission of additional data, including the results of County specified laboratory analyses, prior to a consideration of permit issuance. The County reserves the right to deny acceptance of any waste.
- (2) A fraction of any category of special handling wastes found in a load of any other waste category delivered to any County facility shall be grounds for the County to designate the entire load, including other loads from which the waste originated, as unacceptable waste.

(3) Sludge.

(a) No sludge will be accepted at County facilities unless the following conditions have been met:

[1] A properly completed request for approval to dispose of sludge has been approved by both MDE and the County and a permit has been issued by the County authorizing the disposal in the manner indicated in the permit.

[2] Each load of sludge shall be delivered to the County landfill in a dewatered state, with a solids content consistent with the requirements of the landfill refuse disposal permit, with a cake-like texture. The sludge shall exhibit no liquid phase separation in a test which consists of either the EPA Gravity Test (as described in the Federal Register, Volume 47,

No. 38, Page 8311, Thursday, February 25, 1982) or the EPA Plate Test described in the Federal Register, Volume 45, No. 98, Page 33214, Monday, May 19, 1980). Results of these tests shall be submitted to the County and a copy presented to the landfill gate keeper upon delivery for disposal.

[3] County may require laboratory test results for each load from a laboratory and in a form acceptable to the County. The County shall develop and maintain a list of laboratories acceptable to the County and shall provide a form for the reporting of sludge test results so that the test parameters are known in advance.

(b) Pursuant to the provisions of this section, sludge may be accepted at County landfills or may be disposed of pursuant to a permit issued by MDE. Sludge shall not be mixed with any other waste when discharged into a County facility.

(4) **Ash residue.** Nonhazardous (or exempted) ash residue from the combustion of fossil fuels or municipal waste may be accepted only at the County landfills and only after County approval of applicable laboratory analyses. Ash residue shall not be mixed with any other waste when discharged into a County facility.

(5) **Contaminated soil.** No contaminated soil will be accepted at County facilities unless the County has received relevant test data and approved of the disposal. Contaminated soil if approved for disposal may be accepted at the County landfills only by appointment. Contaminated soil shall not be mixed with any other waste when discharged into a County facility.

(6) **Asbestos.** Asbestos and materials containing asbestos (defined as "any material that contains more than 1% asbestos by weight and that can be crumbled, pulverized, or reduced to powder when dry, by hand pressure") may be disposed of at County landfills only under the following conditions:

(a) The asbestos or material containing asbestos must be generated or originate in Carroll County.

(b) Asbestos or materials containing asbestos shall be packaged in impermeable bags with a minimum thickness of 6 mils and then placed in corrugated or fiberboard drums sealed so that they are leakproof. The containers shall be prominently labeled (in at least 16-point type) as follows:

CAUTION, CONTAINS ASBESTOS
AVOID OPENING OR BREAKING CONTAINER
BREATHING ASBESTOS IS HAZARDOUS TO YOUR HEALTH.

(c) Any container which does not meet the criteria enumerated above or which has not been adequately packaged, in the judgment of County, shall not be accepted.

(d) The County shall be notified at least 48 hours in advance of the disposal of any asbestos or material containing asbestos.

(e) Large structural components containing asbestos that cannot be packaged in drums, as described in this article, only will be accepted for disposal if the component in question is itself acceptable for disposal and the asbestos is adequately wetted, encapsulated, and handled in accordance with the provisions of 40 CFR (Code of Federal Regulations), Part 61, 1981 edition and COMAR 10.18.15 and 10.18.23, as those provisions may be amended from time to time. *[Amended 04/25/02 by Ord. No. 02-08]*

(f) Any person hauling asbestos or materials containing asbestos to County facilities shall

obtain an asbestos disposal form from the County and submit a properly completed form to County personnel prior to entering the solid waste acceptance facility.

(g) Any person hauling asbestos or materials containing asbestos to County facilities shall unload at the location designated by County's personnel. Asbestos or materials containing asbestos shall be unloaded in a manner which protects the containers from damage.

(h) Any truck or other vehicle hauling asbestos or materials containing asbestos to County facilities shall have available on it protective equipment to be used in the event that accidental damage to containers of asbestos or materials containing asbestos occurs.

E. Recyclable materials. A hauler who collects municipal solid waste must also collect or provide for the collection of recyclables separated from all other forms of solid waste. It is the responsibility of a hauler who transports recyclables, a generator who transports recyclables, or a purchaser of recyclables to furnish the County with monthly reports on tonnages of recyclable materials hauled, generated, or purchased, their source and their destination. Information provided herein, concerning the source and destination of recyclable materials, considered proprietary or confidential must be clearly designated as proprietary or confidential at the time a report is made. Upon clear designation that information contained in a report is proprietary and should remain confidential, the County will deny access to the information pursuant to State Government Article, § 10-617(d), notify the provider of the information of any action filed to gain access to the information, and the County will not disseminate the information beyond County staff or other government employees who agree to maintain the confidentiality of the information and who demonstrate a need to have the information to perform their duties. Failure to provide reports required by the County shall be sufficient grounds to suspend, revoke, or deny a license issued hereunder and shall be a violation of this article. Haulers delivering solid waste to a County facility shall segregate solid waste separately into any category as may be required by County. Upon the passage of 90 days from the County's adoption of a resolution declaring that recycling is mandatory, haulers shall be responsible for having all recyclables, at the time of delivery, segregated from all other waste. *[Amended 04/14/94 by Ord. No. 114]*

(1) **Yard waste.** After May 1, 1994, no person shall dispose of yard waste by commingling it with other solid waste. If yard waste is to be disposed of at a County facility, it may be disposed of at the Northern Landfill or at other sites as may hereafter be designated by the County, but only in the location designated by the County for its disposal at the Northern Landfill or other designated site. Loads of yard waste containing any material other than yard waste will not be accepted as yard waste and in addition to the solid waste management fee may be subject to penalties upon acceptance at a County facility if the contamination affected the County's yard waste collection program adversely in any way.

(2) **Tires.** Any individual disposing of 4 or fewer tires within a week may take the tires to any County-designated facility. Any individual disposing of 5 or more tires shall comply with Maryland Annotated Code, Environment Article §9-228 and COMAR 26.04.08. *[Amended 04/25/02 by Ord. No. 02-08]*

(3) **Recyclable white goods.** Recyclable white goods, if delivered to a County facility, shall be unloaded in the designated white goods unloading area and may not be disposed of in a sanitary landfill, except pursuant to an approval of the Director of the Department of Public Works.

F. Upon the request of the County, a hauler, purchaser of recyclables, or a commercial generator hauling its own solid waste shall provide the County with accurate and verifiable documentation of the types, quantities, and disposition of any solid waste which the hauler, generator, or purchaser has transported, or

had transported, to any location. Information provided herein, concerning the source and destination of recyclable materials, considered proprietary or confidential must be clearly designated as proprietary or confidential at the time a report is made. Upon clear designation that information contained in a report is proprietary and should remain confidential, the County will deny access to the information pursuant to State Government Article, § 10-617(d), notify the provider of the information of any action filed to gain access to the information and the County will not disseminate the information beyond County staff or other government employees who agree to maintain the confidentiality of the information and who demonstrate a need to have the information to perform their duties.

§ 185-5. Prohibited actions at solid waste acceptance facilities.

A. All municipal solid waste shall be transported directly from the point of collection and delivered in accordance with this article to a solid waste acceptance facility (either a County facility or any other lawfully permitted facility), without any intervening transfer, unloading, processing, sorting, salvaging, scavenging, or reuse, except as may be allowed under the terms of the license issued hereunder.

B. Special handling wastes shall be transported from the point of collection and delivered in accordance with this article to a facility authorized by law to accept it.

C. Upon reasonable advance notice to the hauler, the County may designate or change the site designation for disposal of any waste or recyclable material.

D. No person shall use any County facility without a valid license as may be required by this article and which has been obtained from the County or use any County facility in violation of this article. A license issued pursuant to this article may be revoked at any time for any cause determined sufficient by the County after reasonable notice and an opportunity for the licensee to be heard.

E. No person shall possess or consume any alcoholic beverage or beverages at any County facility.

F. No person shall operate a motor vehicle in a reckless or unsafe manner at a County facility.

G. No person shall trespass on County facility property. Except on a County MRF, only persons with valid permits shall be allowed on County facility property, and they shall be allowed only during operating hours and when accompanied by authorized County personnel. The operator of a County MRF shall take precaution to secure its property against trespassers.

H. Except in the course of law enforcement, no person shall discharge a firearm or other weapon such that it projects any object over or onto property of a County facility.

§ 185-6. Fees.

A. Authorized fees.

(1) The County is hereby authorized in their executive capacity to establish fees and penalties for the receipt of any solid waste or unacceptable waste at a County facility. Fees or penalties established hereunder may be changed whenever the County deems it necessary or expedient to do so.

(2) The Board of County Commissioners may authorize the Department to adjust fees on March 1 of each year to be effective on the following July 1 to recover the actual cost of the operation of all solid waste management services provided by the County. If this authorization is given, the Department shall establish as the solid waste management fee a charge that is the result of the Department's determination of the projected actual cost of solid waste services divided by the total tonnage of municipal solid waste projected to enter the County landfill in the next fiscal year. (Actual cost is comprised of the proposed budgets of those agencies of County government whose

duties are solely related to providing solid waste services, that portion of the budgets of agencies of County government that may be attributable to the provision of solid waste management services, any surplus or deficit, depreciation, annualized cost of future development and closing, annualized cost of future facilities, and if not previously accounted for herein, the cost of hazardous waste disposal, composting, and recycling.) *[Amended 04/25/02 by Ord. No. 02-08]*

(3) In addition, solid waste management fees may be calculated and established on any portion of the waste stream by providing different fees for different categories of waste. If separate fees are established for different categories of solid waste, the anticipated revenue from these fees shall be used by the Department in establishing the solid waste management fee. In addition, the Department, if authorized to adjust the solid waste management fee pursuant to this section, may adjust any fee established hereunder and establish new fees. *[Amended 04/25/02 by Ord. No. 02-08]*

B. Types of fees.

(1) **Solid waste management fee.** Solid waste, including any component of the waste stream, may be assessed a management fee when delivered to the County landfill or other County facility. These fees are in addition to any permit or license fee. *[Amended 04/14/94 by Ord. No. 114]*

(2) **Special handling wastes.** Special handling wastes will be assessed a management fee when delivered to the County landfill. This fee is in addition to any solid waste management fee, permit or license fee.

(3) **MRF residue.** Residue from the processing of a MRF shall be subject to a solid waste management fee in an amount established in a contract between the County and the operator of the MRF. If there is no contract or the contract does not address a fee for MRF residue, the fee shall be as established pursuant to subsection A hereof.

(4) **Mixed loads.** The fee for any load containing more than one category of waste shall be equal to the fee that would be required for disposal of the load requiring the highest fee. The County may reduce or waive this surcharge if the hauler demonstrates to the reasonable satisfaction of the County that the mixing of waste was not due to the fault or negligence of the hauler and that the hauler has made best efforts to prevent such mixing in the future.

(5) **Additional fees.** An additional fee of \$100.00 per hour may be assessed to the hauler of any load of waste which requires any assistance.

C. **Customer notice.** A hauler shall include on each invoice to a residential customer a specific statement that informs the customer of the amount of the County's solid waste management fee. For example, if the fee is \$40.00 per ton, the notice must read: "The fee charged by the County for each ton of solid waste we dispose of is \$40.00. It is estimated that each household generates 1½ tons of solid waste per year without recycling."

§ 185-7. Billing and payment of fees.

A. A solid waste management fee shall be charged on each load of solid waste delivered to a County landfill, and payment shall be due upon disposal of the waste. Categories of solid waste may be charged different fees, or the County may determine not to charge a fee for categories of solid waste. A hauler may enter into a written agreement with County to establish an account with the County. The County may require a hauler to provide security for the future payment of the fee in a form and amount satisfactory to County upon the establishment of a credit account, and the County may charge an administrative fee if a credit account is requested. *[Amended 04/25/02 by Ord. No. 02-08]*

B. A municipality within Carroll County, that engages to collect all solid waste within its jurisdiction, may elect to pay solid waste management fees upon a monthly basis pursuant to a schedule developed by the Department, or that municipality may elect to have its hauler pay solid waste management fees pursuant to subsection A hereof. In the event a municipality elects to pay its solid waste management fee, the municipality shall make arrangements with its hauler for providing the County with a manifest identifying the source of the solid waste and the municipality's responsibility for payment of the fee. The hauler will be charged for all loads that are not properly identified as the responsibility of the municipality. *[Amended 04/25/02 by Ord. No. 02-08]*

C. If a hauler has established an account with the County, or if a municipality elects to pay its solid waste management fee to the County directly, the hauler or the municipality, as the case may be, will be billed monthly and payment shall be due within 30 days of the date of the bill. The County may charge interest on unpaid balances and assess penalties for accounts that are past due.

D. Accounts not paid by the 35th day after the statement date will be classified as delinquent, and in addition to interest and penalties being assessed, credit will be suspended until full payment is made. (No dumping will be allowed.)

E. If an account becomes delinquent a second time within 12 months, the person who has the account will lose the credit privilege for 6 months.

F. A person who has a credit account must charge at least \$50.00 per month to maintain a credit account.

G. All additional fees will be billed separately and will be due 30 days from statement date and shall be subject to penalties for late payment and interest as determined by the Comptroller.

§ 185-8. Operating and safety rules for County facilities.

A. Any users of the County facilities shall unload in designated areas and immediately thereafter leave the site.

B. All persons other than those actually participating in the unloading must remain in vehicles as a matter of safety. Children under age 13 and pets must also be kept in vehicles.

C. Salvaging and scavenging is prohibited at the County facilities except with the prior written approval of the County.

D. No fires or open burning are permitted in County facilities.

E. No firearm, weapon of any type, or hunting is permitted at a County facility.

F. No person may dump solid waste, recyclables, special handling waste, or other waste regulated hereunder in other than an area designated for the disposal of that waste or dump solid waste, recyclables, or special handling wastes without a permit if required by this article to have one.

G. Smoking is prohibited at County facilities except in designated smoking areas.

H. Loitering and solicitation are prohibited at County facilities.

I. Boxes or other containers will be allowed to be dropped from vehicles only in areas expressly designated as untarpping or unloading areas.

J. Vehicles and containers may not be left at County facilities without prior County approval.

K. All sorting and separation of solid waste by a hauler must be performed at designated areas and not in the tipping areas.

L. Haulers must unload solid waste off the rear of the vehicle in designated tipping areas. Unloading of

vehicles off the sides is prohibited. No vehicles will be allowed to discharge waste through the tailgate. All tailgates must be removable, lay down, or swing to an open position.

M. Passengers shall be in the cab of the vehicle upon arrival at the scale. Riding on the bed or tailgate between the scale and tipping areas or during unloading is prohibited.

N. Operators of vehicles are required to leave a minimum of 6 feet between vehicles during unloading at the landfill and MRF.

O. Licensed vehicles, containers, and the contents of vehicles and containers are subject to inspection at any time by the County.

P. All persons unloading vehicles shall be appropriately dressed to prevent injury and shall be wearing shoes.

Q. Owners and operators of licensed vehicles and containers shall be responsible to ensure that their vehicles are watertight, readily emptied, cleaned with sufficient frequency to prevent insect breeding or odors or other nuisances, and shall be maintained in good repair and a safe condition. All waste must be secured to the vehicle or container and enclosed or covered with secured tarpaulins to prevent leakage, spillage, dusting, or litter. Such enclosures and tarpaulins must remain in place until arrival at the designated unloading or uncovering areas at the County facility. After discharging a load of waste, the driver or operator of the vehicle is responsible for inspecting the vehicle and the container to ensure that all the waste from the vehicle and container has been discharged properly. In the event that all the waste has not been discharged, the driver or operator must remove all remaining waste or secure the remaining waste by tarping or enclosing the vehicle or container. In the event a vehicle or container leaks, spills, dusts, or litters on any County facility, public road, or private property, the person hauling the waste will be responsible for all cleanup and for paying any costs incurred or damages sustained by the County in connection with performing or monitoring such cleanup.

§ 185-9. Liability.

The County will not be liable for any actions, errors, or omissions of any contractors of the County, persons authorized to use or enter County facilities, or trespassers at County facilities. All persons proceeding onto County facilities do so at their own risk.

§ 185-10. Violations and penalties.

A. Any person who violates any provision of this article by acting in a manner prohibited hereby or by failing to act as required hereby shall be liable, upon a finding by a court of competent jurisdiction that such violation has occurred, for a civil fine of up to \$1,000.00 for the first violation and up to \$5,000.00 for each subsequent violation.

B. In addition to and not in substitution for any other action authorized hereby, the County may revoke or suspend any person's permit or license upon a determination by the Director of the Department of Public Works, that said person has violated any provision of this article or has otherwise engaged in conduct which is or may be detrimental to the solid waste acceptance facility or to the health, safety, and welfare of the citizens of Carroll County.

C. In addition to and not in substitution for any other penalty imposed hereunder, any person who violates any provision of this article by acting in a manner prohibited hereby or by failing to act as required hereby shall be guilty of a misdemeanor and upon being found guilty by a court of competent jurisdiction shall be fined up to \$1,000.00 or imprisoned for up to 6 months in the Carroll County

Detention Center, or both fined and imprisoned.

D. The civil and criminal provisions of this article shall be enforced by those persons or agencies designated by the Board of County Commissioners of Carroll County. It shall be a violation of this article to interfere with a County employee or official in the performance of duties assigned hereunder.

E. Notice of violation; appeal. *[Amended 04/14/94 by Ord. No. 114]*

(1) In the discretion of a County employee or official to whom responsibility for enforcement of this article has been delegated by the Board of County Commissioners, a notice of violation may be issued to any person in violation of this article, or any rules and regulations adopted pursuant hereto. Such notice shall impose upon the person a penalty, pursuant to subsection A hereof, as indicated by the County employee or official, which may be paid to any agency designated by the Board of County Commissioners within 30 days in full satisfaction of the violations or which may be appealed to the Director of the Department of Public Works, pursuant to subsection (2) hereof. In the event that the penalty is not paid within the time prescribed and no appeal is taken, the person to whom the notice of violation was issued shall be liable to the County for the full amount of the penalty established in the notice of violation, and the County may institute suit in the appropriate court of this state to recover the penalty sum. *[Amended 04/25/02 by Ord. No. 02-08]*

(2) A person who receives a notice of violation may take an appeal to the Director of the Department of Public Works, by filing a notice of appeal with the Director of the Department of Public Works, within 30 days of the date of the notice of violation.

(3) The Director of the Department of Public Works, shall conduct an informal hearing on the appeal in a timely manner and issue a written decision affirming, reversing, or modifying the notice of violation. The decision shall be made and issued within 30 days of the hearing.

(4) A person aggrieved by the decision of the Director of the Department of Public Works, may appeal the decision to the Board of County Commissioners of Carroll County within 10 days from the date of the decision of the Director. The Board of County Commissioners shall conduct a hearing on any such appeal as soon as practical thereafter and issue a decision in writing on such appeal within 30 days after the hearing thereon. A person aggrieved by the decision of the Board of County Commissioners may appeal the decision to the Circuit Court pursuant to the Maryland Rules of Procedure within 30 days of the date the decision was issued. Unless stayed by a court of competent jurisdiction, the decision of the Director of Public Works to suspend or revoke a license issued hereunder continues in effect until reversed or modified.

F. The generator, the person licensed, and the person operating any vehicle shall be responsible and accountable for any noncompliance with this article, including reimbursing the County for all fees and any and all costs and damages incurred by the County as a result of such violation, including reasonable attorney's fees. *[Amended 04/14/94 by Ord. No. 114]*

ARTICLE II, Solid Waste Management Plan

[Adopted 08/03/99 by Res. No. 444-99]

§ 185-11. Amended Plan declared official.

The amended Carroll County Maryland Ten-Year Solid Waste Management Plan is hereby declared to be the County's official Solid Waste Management Plan ("the Plan").

§ 185-12. Filing with state.

The Carroll County Government is directed to forward the amended plan to the Maryland Department of the Environment for approval in accordance with the Environment Article of the Annotated Code of Maryland, § 9-507.

§ 185-13. Changes.

If the Maryland Department of the Environment requires changes to any part of the Plan approved by this resolution, the County may make any necessary changes to the Plan by resolution adopted by the Board of County Commissioners.

PARTIALLY NUDE or IN A PARTIAL NUDE CONDITION — The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel, provided the areola is not exposed in whole or in part. [Added 4-4-2001 by Ord. No. 01-3]

PAVED SURFACE — A durable wearing surface of concrete, bituminous concrete, or other surface of suitable material and texture which:

- A. Provides a smooth driving surface.
- B. Resists weathering.
- C. Transmits traffic load to the underlying ground.

PLANNED BUSINESS CENTER — Three or more retail stores or service establishments designed as a unit and primarily served by common accessories such as signs, parking lots, arcades, and walkways.

PRINCIPAL USE — The primary activity or structure for which a site is used. A principal use may be either a permitted use, a conditional use, or a legally existing nonconforming use.

PROCESSING OPERATIONS — The crushing, polishing, washing, screening, and customer truck loading of extracted minerals.

PUBLICLY OWNED WASTEWATER TREATMENT PLANT — A facility designed and constructed to receive, treat, and store sewage or sewage combined with other waterborne waste and which is owned by the state, or a political subdivision or municipal corporation of this state or owned by another public entity incorporated for the purpose of treating sewage under § 9601 et seq. of the Environment Article, or similar statute, if determined similar by the Board of County Commissioners.

RECREATIONAL VEHICLE — A vehicular-type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use, including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

RETIREMENT HOME — A development consisting of one or more buildings designed to meet the needs of, and exclusively for, the residences of senior citizens.

RETREAT or CONFERENCE CENTER — A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only. Such centers may not be utilized by the general public for meals or overnight accommodations. Housing for participants may be in lodges, dormitories, sleeping cabins (with or without baths), or in such other temporary quarters as may be approved by the Board, but kitchen and dining facilities shall be located in a single centrally located building or buildings.

RIDING ACADEMY — An establishment where horses and ponies are boarded and cared for; where instruction in riding, jumping, and showing may be offered; or where the general public, for a fee, may hire horses for riding.

SANITARY LANDFILL — Any premises used primarily for the disposal of garbage, or any refuse, by dumping, reduction, incineration, or burial.

SENIOR CITIZEN — A person at least 55 years of age.

SERVICE STATION — Any area of land, including buildings and other structures thereon that are used to dispense motor vehicle fuels, oil, and accessories at retail, where minor repair service is incidental, and no storage or parking space is offered for rent.

SETBACK LINE — That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

SEWAGE SLUDGE — The accumulated semiliquid suspension, settled solids, or dried residue of these solids that is deposited from sewage in a wastewater treatment plant, whether or not these solids have undergone treatment.

SEWAGE SLUDGE STORAGE — The interim containment of sewage sludge, treated sewage sludge, or any other product containing these materials after removal from the wastewater and before disposal or utilization. It does not mean the storage of sewage sludge generated on site incidental to the operation and as part of a permitted and duly licensed wastewater treatment plant.

SEXUAL ACTIVITIES — Includes nudity or partial nudity, as defined herein, and sexual conduct, sexual excitement or sadomasochistic abuse, as defined in Article 27, § 416A of the Annotated Code of Maryland. [Added 4-4-2001 by Ord. No. 01-3]

SHELTERED HOUSING — Housing provided by a resident family for four to 15 adults who are capable of living in the community but incapable of independent living due to disability or advanced age.

SIGNS — A name, identification, description, display, logo, illustration, or device which is affixed, stationed, or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.

- A. **SIGN, ON PREMISES** — A sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where the sign is located.
- B. **SIGN, OUTDOOR ADVERTISING** — A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.

STABLE, BOARDING — A structure in which more than two horses or ponies are housed, boarded, or kept for consideration.

STABLE, COMMERCIAL — A boarding stable or a riding academy.

STABLE, PRIVATE — An accessory structure designed for the shelter, feeding, and care of no more than two horses, ponies, or cattle or equivalent numbers of sheep, goats, or

§ 223-22. Temporary zoning certificates

The Zoning Administrator, upon approval by the Planning and Zoning Commission and in accordance with conditions established by the Planning and Zoning Commission, including time limits, may issue a temporary zoning certificate for any use in any district based on hardship resulting from the destruction of any existing building or structure by fire, wind storm, flood, explosion, or act of public enemy or accident. Any such use established under this section on property that is zoned for such use shall not establish any basis for a permanent change to the zoning classification.

§ 223-23. Lot creation from land subject to Agricultural District or easement restrictions.

Where land is subject to a district agreement or easement of the Maryland Agricultural Land Preservation Foundation, or its successor, the provisions of this chapter governing lot area, lot width, and street frontage for lots shall not be applicable to the extent they conflict with the law or regulations of the said Foundation.

§ 223-24. County public buildings, structures, and uses.

Notwithstanding anything herein to the contrary, uses of land, buildings, structures, or premises by the Board of County Commissioners of Carroll County, including the location, erection, reconstruction, extension, enlargement, conversion, or alteration of buildings or structures or parts thereof may be located in any district as principal permitted uses. However, no land, building, structure, or premises owned or leased by the Board of County Commissioners of Carroll County may be used without the approval of the Carroll County Planning and Zoning Commission pursuant to Article 66B, § 3.08, of the Annotated Code of Maryland.

§ 223-25. Compliance with Landscape Manual.

- A. No zoning certificate may be issued for any use of property hereafter started or for any change of use hereafter made or for any nonconforming use presently existing which hereafter expands or intensifies unless in compliance with the Landscape Manual for Carroll County.
- B. Where a use is required to comply with § 223-28, failure to maintain the property in compliance with the Landscape Manual for Carroll County shall be prohibited, and each day the property fails to comply shall be treated as a separate violation of this chapter.
- C. It shall be the joint and several responsibility of each person owning or using property to comply with the Landscape Manual for Carroll County and the provisions of this section.

§ 223-26. Sewage sludge storage.

- A. The storage of sewage sludge is allowed in any district at a publicly owned wastewater treatment plant as an accessory use to the treatment of sewage, septage, or other wastes.
- B. The storage of sewage sludge is prohibited, unless authorized in Subsection A hereof.

as their relationship with the district boundary line or the configuration of the property and the relative scale of the project.

§ 223-116. Applicability.

The following regulations and applicable regulations contained in other articles shall be permitted in the I-R Restricted Industrial District.

§ 223-117. Principal permitted uses.

Principal permitted uses shall be as follows:

A. Uses of a light industrial nature including but not limited to the following, provided that such uses shall be subject to the distance requirements specified in § 223-16:

- (1) Manufacture and assembly of electrical appliances, electronics, and communication equipment, professional, scientific, and controlling instruments, and photographic or optical products.
- (2) Manufacturing, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as bone, cloth, fur, cork, fiber, canvas, leather, cellophane, paper, glass, plastics, horn, stone, shells, tobacco, wax, textiles, yarns, wood and metals, including light steel or other light metal, light metal mesh, pipe, rods, shapes, strips, wire, or similar component parts.
- (3) Manufacturing, compounding, processing, packaging, or treatment of cosmetics, pharmaceuticals, and food products, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.
- (4) Manufacture of musical instruments, novelties, and molded rubber products, including tire manufacture, recapping, and treading.
- (5) Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
- (6) Laboratories, chemical, physical, and biological.
- (7) Clothing and shoe manufacture.
- (8) Carpet and rug cleaning plants.
- (9) Petroleum products storage underground.
- (10) Blacksmith, welding, machine, or similar shops.
- (11) Heliports.

B. The following business trades and services:

- (1) Bottling of soft drinks or milk or distribution stations therefor.
- (2) Carpentry or woodworking shops.
- (3) Newspaper publishing establishments.

- (6) Sawmills, commercial.
- (7) Sanitary landfills, including solid waste transfer facilities, and solid waste incinerators.
- B. Any use permitted and as regulated as a principal permitted use and conditional use in the B-L and B-G District, except dwellings, mobile homes, and mobile home parks, provided that in addition to the criteria set forth under § 223-190, the Board shall also consider criteria set forth under § 223-152A, B, and C in authorizing the use of any land for a planned business center or any other B-L or B-G use that is determined by the Board to be of the same general character as a planned business center, in accordance with the stated purpose of the I-R District.
- C. Notwithstanding anything contained in this article to the contrary, mini storage is not an authorized use in this district.

§ 223-119. Accessory uses.

Accessory uses shall be as follows:

- A. Uses customarily accessory and incidental to any principal permitted use or authorized conditional use, including:
 - (1) A mobile home or dwelling associated with an industrial use, or a mobile home associated with an agricultural use subject to the provisions of § 223-140B.
 - (2) Storage modules subject to the following standards:
 - (a) The exterior surface shall be painted and kept in good repair.
 - (b) The storage module shall be vented as needed for safety purposes.
 - (c) The storage module shall be screened from the adjacent roadway.

§ 223-120. Height regulations.

No structure shall exceed 50 feet in height, except as provided in § 223-180.

§ 223-121. Yard requirements.

The following requirements shall be observed, subject to the provisions of Article XXVI:

- A. Front yard: for industrial buildings or structures, 50 feet.
- B. Side yard: 30 feet.
- C. Rear yard: 30 feet.

§ 223-122. Required conditions.

Required conditions shall be the same as provided by § 223-28.

TITLE 12. SOLID WASTE PROJECTS

1989, ch. 452. 1999 Supp., sec. 15A

12-101. Definitions.

- (a) In this title, the following words have the meanings indicated.
- (b) "Board" means the Board of County Commissioners of Carroll County, the governing body of the County.
- (c) "Bonds" means notes, bonds and other evidences of indebtedness.
- (d) "Carroll County" means the geographic area within the corporate limits of Carroll County.
- (e) "Collection" means the transporting of solid waste from a transfer station or other intermediate disposal facility.
- (f) (1) "Cost", as applied to a solid waste project, means:
 - (i) the cost of construction or acquisition, including the purchase price, of any solid waste project or the cost of acquiring all or any portion of the right, title or interest in the project and the amount to be paid to discharge all obligations necessary to vest title to the project or any part of it in the County;
 - (ii) the cost of any reconstruction, extension, enlargement, alteration, repair, or improvement;
 - (iii) the cost of closure of any landfill;
 - (iv) the cost of all lands, properties, rights, easements, interests, franchises, and permits acquired;
 - (v) the cost of all labor, machinery and equipment, financing charges, interest prior to and during construction and for the period after completion of construction as the Board deems appropriate;
 - (vi) the cost of revenue estimates, engineering and legal services, plans, designs, specifications, surveys, investigations, demonstrations, studies, estimates of cost, other expenses necessary or incident to determining the feasibility or practicability of any such acquisition, improvement, or construction;

TITLE 12. SOLID WASTE PROJECTS

(vii) administrative expenses, and other expenses necessary or incidental to the financing authorized in this title, and to the acquisition, operation, maintenance, improvement, or construction of solid waste projects, and the placing of these projects in operation, including reasonable provision for working capital;

(viii) reserves for principal and interest and for extensions, enlargements, additions and improvements.

(2) Any obligation or expense incurred before the issuance of bonds or notes under the provisions of this subtitle in connection with the items in this subsection relating to cost may be regarded as a part of that cost.

(g) "County" means County Commissioners of Carroll County, a body politic and corporate of the State of Maryland.

(h) "Solid waste project" means any service, facility or property (real or personal), used or useful or having present capacity for future use in connection with the collection or disposal of solid wastes by any means, including disposal through the production of energy or products, or otherwise. The term includes any service, facility, or property used or useful or having present capacity for future use in connection with:

(1) the transporting, transferring, compacting, burying, incinerating, reduction, composting, collection, storage, treatment, utilization, processing, or final disposal of solid wastes;

(2) the conversion of solid wastes to fuel, steam, electricity, energy, or other resources or the generation of steam, electricity, or other forms of energy from fuel which is derived from, or is otherwise related to solid wastes;

(3) the reconstruction, converting or other recycling of solid wastes into materials which are not solid wastes or which are useful or marketable; or

(4) a combination of the foregoing (whether or not those facilities are located on a single site). "solid waste project" also includes but is not limited to:

(i) solid waste disposal facilities, pollution control facilities, and facilities for generating and furnishing electric energy or gas or other forms of energy which can be financed by bonds the interest on which is exempt from income tax under the Internal Revenue Code of 1986, as amended, whether such interest would have been tax exempt at the time of the enactment of this title or of any amendment thereto; and

(ii) any facilities and properties within the definition of "solid waste project", set forth in this subsection, whether or not such facilities or properties can be financed by bonds

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the interest on which is tax exempt under the Internal Revenue Code of 1986, as amended. It is the purpose and intent of this title that "solid waste project" be liberally construed so as to effectuate the purposes of this title.

(5) "Solid waste project" includes land, buildings, structures, machinery, equipment, rail or motor vehicles, barges, boats, and all properties and rights therein and appurtenances thereof, rights-of-way, franchises, easements and other interests in land, all land and facilities which are functionally related and subordinate to a solid waste project and all patents, licenses and other rights necessary or useful in the construction or operation of a solid waste project.

(i) "Solid wastes" means all waste materials, whether solid, liquid or gas, including garbage, rubbish, ashes, incinerator residue, wastewater treatment residue, street cleanings, dead animals, demolition and construction debris, household appliances, automobile bodies, offal, paunch manure, methane or other gases, sewage sludge, and solid or gaseous waste materials from commercial, agricultural, industrial, or community activities.

12-102. Solid waste projects allowed.

To provide for the general health and welfare of the residents of the County, the County may acquire, construct, operate, and maintain solid waste projects as it deems to in the public interest or enter into contracts with other public or private entities under which the entities shall acquire, construct, operate or maintain solid waste projects for the County.

12-103. Bond authorization.

For the purpose of providing funds to pay the costs of solid waste projects, the County is authorized and empowered to borrow money, in an aggregate amount not to exceed \$6,000,000 from time to time, and to effect the borrowing by the issuance and sale of bonds. The bonds may be issued at one time, or from time to time, in one or more groups or series, as the Board may determine. The Board shall by resolution fix the maturity of any of the bonds, provided that the bonds may not mature later than 30 years from the date of their issue, and provided further that the bonds may be issued on the serial maturity plan or other plan as the Board finds and determines to be necessary or desirable in connection with the issuance and sale of the bonds. The resolution may fix the denomination of the bonds, the form and tenor of the bonds, which (without limitation) may be issued in "registered form" within the meaning of Section 30 of Article 31 of the Annotated Code of Maryland as effective from time to time, the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate, the manner and place of payment, the date, place, and terms of the sale of the bonds, and all details not provided for with respect to the form, issuance, and sale. The bonds shall be signed by any member of the Board designated by a resolution of the Board to be the signatory and by the Clerk to the

TITLE 12. SOLID WASTE PROJECTS

County Commissioners of Carroll County. The seal of the County shall be affixed to the bonds.

12-104. Same; public or private sale allowed.

Any bonds issued under this title may be sold, in the discretion of the Board, at public or private sale. Bonds may be sold at less than par. Any bonds issued under this title shall be exempt from the provisions of Sections 10 and 11 of Article 31 of the Annotated Code of Maryland. Any and all bonds issued under this title, their transfer, the interest payable on them, and any income derived from them from time to time (including any profit made in their sale) shall be and hereby are declared to be at all times exempt from State, county, municipal or other taxation of every kind and nature within the State of Maryland.

12-105. Same; proceeds.

The proceeds of the sale of bonds shall be paid to the County and shall be placed in a fund or account as the Board determines to be appropriate. The proceed net of any expenses of issuance and sale of the bonds shall be expended from time to time for the purposes specified in § 12-103 of this title upon the terms, conditions, and documentation as the Board may provide by resolution.

12-106. Same; payment.

(a) In the discretion of the Board, the principal of and interest on any bonds issued under this title may be made payable solely from the proceeds of solid waste collection or disposal rates or charges imposed under this title, which revenues the County is authorized to pledge to the payment. The County may covenant to fix the rates and charges for the use of any solid waste project, or the system of which it forms a part, as will generate sufficient revenues to pay the annual cost of maintenance and operation of the project and to pay the maturing principal of and interest on any bonds issued under this title when due. Bonds secured as provided in this title do not constitute an obligation of the faith and credit of the County but, on the contrary, shall recite that the principal and interest are payable solely from the revenues prescribed in the resolution or indenture authorizing the bonds.

(b) If the Board determines it to be appropriate, the County may pledge the full faith and credit and unlimited taxing power of the County to the payment of the principal and interest on all or any part of a series of bonds issued under this title. Those bonds may be secured as provided in this subsection only to the extent that the total of the par value of such bonds, together with all other outstanding bonded indebtedness of the County secured or guaranteed by the full faith or credit of the County, less the amount of any sinking funds or reserves for payment of bonds previously issued, does not exceed 15 percent of the total assessed valuation of all property in Carroll County subject to unlimited county taxation during the fiscal year of the County most recently concluded. In the event that the funds available to

CARROLL COUNTY CODE

the County from all sources are insufficient to pay any bonds guaranteed under this subsection, together with the interest due on the bonds, the Board, on behalf of the County, in each and every fiscal year in which bonds are outstanding shall levy and collect ad valorem taxes on all the legally assessable property within the corporate limits of Carroll County in rate and amount sufficient to provide for the payments when due, together with accrued interest to the date of payment. In the event the proceeds from the taxes so levied in any fiscal year are inadequate for the above purposes, the Board, on behalf of the County, shall levy additional taxes in the succeeding fiscal year to make up any deficiency. Bonds secured as provided in this title, in the Board's discretion, also may be secured by any revenues or pledge authorized under subsection (a) of this section.

12-107. Same; security.

(a) The County may enter into agreements with agents, banks, fiduciaries, insurers, or other for the purpose of enhancing the marketability of and security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds. As additional security for the payment of the principal of and interest on the bonds, the County may convey or assign any real or personal property which constitutes a solid waste project or the system of which it forms a part. The pledge, conveyance, or assignment shall be valid and binding against any person having a claim of any kind against the County, irrespective of whether the person has notice.

(b) (1) Any trust indenture entered into under this section may contain covenants on the part of the County deemed necessary or appropriate by the Board for the proper security of the purchasers of the bonds, but the County may not enter into any covenant which permits the trustee or bondholders in any manner to sell or otherwise divest the County of its title to any solid waste project or projects financed with the proceeds of the bonds, without the prior written consent of the County. Subject to the foregoing limitation, a trust indenture may contain covenants for the protection of bondholders, relating to all or any of the following:

(i) the nature, extent and procedure for acquiring or constructing any solid waste project or projects and the supervision of the solid waste project or projects;

(ii) the maintenance and operation of any solid waste project or projects, and the supervision of the solid waste project or projects, the employment of consulting engineers, auditors, attorneys and other experts in connection with the acquisition, construction, maintenance or operation;

(iii) the terms and provisions of the bonds and the securing of the proceeds, the imposition and collection of rates and charges for the use of the project or projects and the use, application and security of any revenues so collected, including the establishment, deposit and securing from the revenues for debt service on, or prior redemption of, the bonds, or for the maintenance, operation and improvement of any solid waste project or projects;

TITLE 12. SOLID WASTE PROJECTS.

(iv) the insurance on any solid waste project or projects;

(v) the issuance of additional bonds for any solid waste project or projects and the limitations of the bonds;

(vi) the powers, duties and indemnification of any trustee, or its successor, party to any such indenture;

(vii) the rights and remedies of the trustee and of bondholders in the event of any default by the County under the trust indenture, which rights and remedies may include the taking over of any operation by the trustee or by a receiver appointed by a court of competent jurisdiction of the project or projects financed with the proceeds of the issue of bonds secured by the trust indenture, and the marshaling of the revenues from the project or projects for the use and benefit of bondholders.

(2) In addition to the covenants enumerated above but subject to the limitations contained in this section, the County is authorized to make additional covenants in any trust indenture, of like or different character as, in its judgment, may be necessary, convenient or desirable for the better security of any issue of its bonds secured by the trust indenture or as will, in its judgment, tend to make the bonds more marketable.

12-108. Fees in solid waste collection or disposal.

For the purposes of carrying out the provisions of this title, the County, by resolution, may impose reasonable rates and charges for solid waste collection or disposal. The funds derived from the rates and charges shall be used to pay the costs of the County's solid waste projects, including (without limitation) the principal of and interest on bonds issued under this title. The resolution may establish a reasonable basis for setting the rates and charges, prescribe a schedule of rates and charges, and designate solid waste collection or disposal service areas within the County. The resolution may provide that the rates and charges are chargeable against all or part of the occupied lots or parcels of land in the County or in service areas established by the County and constitute a first lien on such property and may establish reasonable times and methods for collection of the rates or charges, which may be levied and collected and have the same priority and rights and bear the same interest and penalties and in every respect be treated the same as taxes of the County. The County may modify the amount of the rates and charges by a resolution or by other action authorized by the resolution imposing the rates and charges. Before setting or modifying the rates and charges, the County shall give notice of the proposed rates or charges in at least one newspaper of general circulation in the County and hold a public hearing on the necessity or advisability of the proposed rates or charges. The powers granted by this section are in addition to other powers of the County granted under law and may not be restricted by any debt or tax rate limitation in any general or local law. Rates and charges imposed under this section are not subject to the jurisdiction of any authority or other unit of government.

CARROLL COUNTY CODE

12-109. Contracts authorized.

The County is empowered to make any contract or agreement the Board determines to be necessary or incidental to the execution of the purpose of and the powers granted by this title, including contracts with the federal or any state government, or any unit, instrumentality, municipality, or subdivision, or with any person on terms and conditions the Board approves, relating to:

(1) The use by the other contracting party or the inhabitants of any municipality of any solid waste project acquired, constructed, reconstructed, rehabilitated, improved, or extended by the County under this title or the services therefrom or the facilities thereof;

(2) The use by the County of the services or facilities of any solid waste project not owned or operated by the County;

(3) The sale of any fuel, steam, electricity, energy, or other material or resource derived from the operation on any solid waste project;

(4) The acceptance, processing, treatment and disposal of solid wastes by one or more projects; or

(5) The employment or retention of consulting and other engineers, superintendents, financial advisors, attorneys, accountants, and such other employees, advisors or agents as in the judgment of the Board may be deemed necessary or desirable.

12-110. Regulations authorized.

The County by resolution may require the delivery of all or any portion of the solid wastes generated or disposed of within Carroll County to facilities designated by the Board and located within Carroll County or to facilities located outside of Carroll County if the County has contracted for capacity at or service from such facilities. However, recyclable material which has been removed or segregated from solid wastes may be disposed of at any facilities which accept and process such recyclable material. The County may provide in the resolution that it is unlawful for any person to dispose of solid wastes in or at any other place.

The County may impose a civil penalty of up to \$1,000 for the first violation of the resolution and up to \$5,000 for each subsequent violation. The County may provide further in the resolution that a violation of the resolution shall result in revocation of the license of the violator to collect or dispose of solid wastes within the boundaries of Carroll County.

CARROLL COUNTY RECYCLING PLAN

NOTE: Complete Recycling Plan is available at the Carroll County Department of Public Works Administration Office.

AUGUST 1992

Among the next steps in the county plans are:

- Consideration of a plan to relocate the Recycling Center from the airport to Northern Landfill. This facility replaces the one near the airport, and will have the capability to be expanded.
- Developing a plan for composting yard waste, beginning January 1, 1993.
- Initiating an aggressive education and public relations campaign.
- Preparing contingency plans in the event that markets fail, or that a mandatory program is needed.
- Developing a plan for recycling tires, beginning January 1, 1994.

Meeting the mandated 15 percent goal requires the County to recover about 30 percent of each of the targeted materials. The key to achieving the goal is public motivation by education and information. Several citizens groups within the County have already begun to distribute pamphlets and brochures on recycling and the County is seeing more interest in recycling as a result. The County's role is to encourage citizen participation in the education process and there is evidence that this is already happening.

The information provided in this plan represents the County's effort to quantify and characterize the solid waste stream for recycling. These data and the options presented herein for achieving the County's recycling goals are subject to revision should the process capabilities, material markets, or program costs change.

Common household wastes comprise about half, by weight, of the municipal solid waste stream. Recycling can divert many of these materials from our landfills and reuse them in many new and different products.

The recycling process begins when the material (e.g., used beverage can, glass bottle, etc.) is removed or separated from the typical household garbage. Once separated, the materials are transported to a recycling center where they are prepared for their respective markets. The processed materials are then shipped to a manufacturer's plant and made into a new product. The recycling process is not complete until the new product is demanded by the general public.

The most effective way for households and businesses to recycle is to separate recyclable materials from other wastes at

**Carroll County Government
Solid Waste Disposal Fees
Effective – July 1, 2006**

NORTHERN LANDFILL AND HOODS MILL

- | | |
|---|----------|
| - Commercial Accounts | \$58/Ton |
| - Residential – Automobile Flat Rate | \$5/Load |
| - Sport Utility & Passenger Vans & Pick-up Trucks – Weighed | \$58/Ton |

NORTHERN LANDFILL:

Scrap Tires - Commercial Loads	\$135/Ton
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NORTHERN AND HOODS MILL LANDFILLS:

Scrap Tires (5 tires per year)	
- Off the Rim	\$1/Each
- On the Rim	\$2/Each

Miscellaneous	
- Yard Trim - Residential	FREE
- Commercial	\$15/ton
- Recyclables	FREE

RESOLUTION No. 658-06

Waste Disposal – Development of Solid Waste Management Plan

WHEREAS, the Carroll County Department of Public Works, through its Bureau of Solid Waste, is responsible for the formulation and execution of the Solid Waste Management Plan;

WHEREAS, under State law each county is responsible for providing facilities for the waste disposal needs of its citizens;

WHEREAS, the Department of Public Works recently received a report from R.W. Beck, Inc. on waste disposal options for the County for the future;

WHEREAS, the Department of Public Works, with the assistance of the Northeast Maryland Waste Disposal Authority, proposes the following plan to develop a solid waste management plan to meet the long term needs of the community focusing on:

1. Enhancing recycling efforts;
2. Gaining control of the waste stream;
3. Conducting a procurement for the purpose of obtaining contract terms and costs for a waste to energy facility including siting;
4. Measuring the economic impact of the solid waste program and developing equitable methods of cost sharing;
5. Exploring joint disposal efforts with nearby jurisdictions; and
6. Beginning the process of site selection for a future landfill.

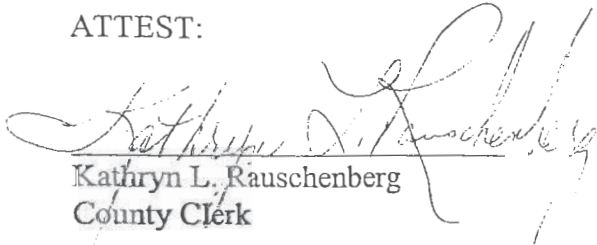
NOW, THEREFORE, BE IT RESOLVED, that The Board of County Commissioners of Carroll County authorizes the Department of Public Works to proceed with the proposed plan outlined above, with the assistance of the Northeast Maryland Waste Disposal Authority, to develop a solid waste management plan with implementation plans for each of the items listed above to be

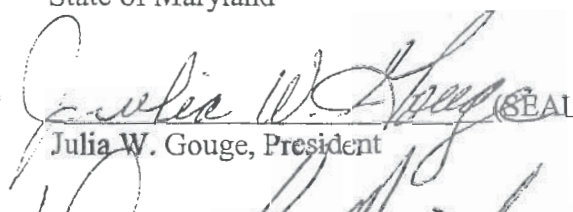
presented to the Board of County Commissioners for review and adoption.

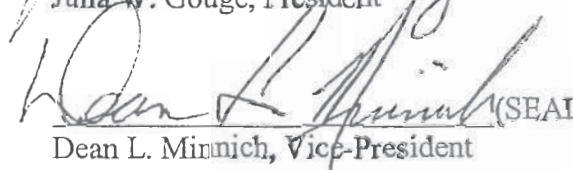
RESOLVED this 19th day of January, 2006.

THE COUNTY COMMISSIONERS OF
CARROLL COUNTY, MARYLAND
a body corporate and politic of the
State of Maryland

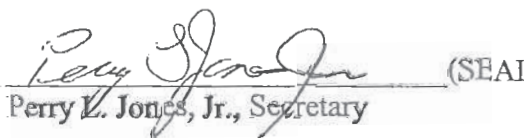
ATTEST:


Kathryn L. Rauschenberg
County Clerk

 (SEAL)
Julia W. Gouge, President

 (SEAL)
Dean L. Minnich, Vice-President


Date: Jan. 19, 2006

 (SEAL)
Perry L. Jones, Jr., Secretary

Approved for legal sufficiency:


Kimberly A. Milender, County Attorney

KAM/tlh/I:\RESOLUTIONS\SOLIDWASTE\2006\WasteDisposal.doc\01/04/06; 01/05/06

Carroll County, Maryland Solid Waste Management Options

Northeast Maryland Waste Disposal Authority

September 2005

R·W·BECK

SEP - 8 2006

- d) review information developed by others regarding the construction and operation of an organics composting facility and a municipal solid waste composting facility
- 7. Identify alternative strategies for the funding of solid waste management services.
- 8. Prepare a report summarizing the results of Beck's review.

1.3 Executive Summary

This Report sets forth information to assist the County in formulating a strategy to dealing with various solid waste management issues. The Report presents various options to:

- 1) Increase the efficiency of its recycling system
- 2) Dispose of solid waste upon termination of the current long-haul transfer option under contract with Waste Management Inc. ("WMI").
- 3) Fund the cost of solid waste management services

Recycling

The percentage of material being recycled has decreased each year between 2002 and 2004 as it reduced from 48 percent in 2002 to 32 percent in 2004. The decrease in the level of recycling is associated with the fact that the County's solid waste is no longer being transferred to the York County Resource Recovery Center where it was combusted to generate energy and the County received credit for the recycled scrap metal and residue ash recovered by that facility. In Section 4 of this Report we have identified a number of changes to the recycling system for the County's review and consideration. The changes have been segregated by the amount of cost and level of effort required on the part of the County. Among those changes which would be of a relatively low cost, but should help the County more efficiently manage its recycling program, are the following:

- 1) Obtain better data on the current recycling program
 - a. If possible, track the number of households that subscribe to curbside recycling. Because this information is compiled by private haulers, it may be difficult to obtain.
 - b. Keep better records of the actual cost of recycling
 - c. Attempt to maintain consistent information year to year. This is complicated by the fact that MDE changes the information to be included on the annual report forms.
- 2) Improve Education/Outreach
- 3) Change the Hauler Licensing Requirements to increase recycling or reduce the cost of recycling

Other options for consideration which would require more effort on the part of the County include the following:

- 1) Manage the collection function on a more regional basis
 - a. Utilize the County's Community Planning Areas in establishing collection contracts
 - b. Divide the County into regions and contract collection by region
- 2) Develop franchise areas for the collection of solid waste and recyclables
- 3) Consider Single Stream Collection of recyclables

Solid Waste Disposal Options

We have developed two sets of alternative analyses for the County's review and consideration. The first set of analyses assume the County receives in the System 100 percent of the solid waste currently generated in the County. We have identified this first set of analyses as "100% County Waste to System." The County estimates that approximately one-third of the waste being generated in the County is currently being disposed/delivered at non-County facilities. Due to the economics of scale associated with the development of a larger disposal facility, we believe that it would be in the best financial interests of the County and the municipalities to work together to find a mutually acceptable waste disposal option which address all of the solid waste generated in the County. At the County's request, we have developed a second set of analyses which assume that the County does not receive that solid waste currently being disposed at alternative facilities by certain municipalities in the County and by certain private haulers collecting in the County. We have identified this second set of analyses as "Current Waste Stream Received at County." We have been informed that the municipalities may be interested in delivering their solid waste to the System. We believe the two sets of cases cover the range of potential waste deliveries to the System and the information presented herein will allow the County to evaluate the financial impacts associated with the potential range of waste delivery options.

For the two different waste delivery options, we have developed Projected Operating Results for the period 2011 through 2031 which calculates the projected costs for the following solid waste management options:

- 1) Continue the current long-haul transfer to disposal facilities located outside the County. As discussed in Section 3 of this Report, we believe that landfills located in Virginia will represent the lowest cost of disposal for out-of-state long-haul options.

We have included, as a sensitivity analysis for this particular option, an additional set of projections which assume there is a significant increase in the cost of diesel fuel.

- 2) Construct a County-only waste-to-energy facility sized to meet the waste disposal needs of just the County. We have assumed the construction of a facility capable of processing approximately 600 TPD.

- 3) Construct a regional waste-to-energy facility sized to meet the waste disposal needs of the County and one other similarly sized public entity. For this option we have assumed the construction of a facility capable of processing approximately 1200 TPD. The construction of this larger facility allows for economies of scale associated with the construction cost and the operating and maintenance expenses.
- 4) Construct a municipal solid waste composting facility sized at 600 TPD and have all process residue long-hauled out of the County for disposal. This option is assumed to generate 420 TPD of final compost product.

As a variation to this option, we have developed an additional set of projections which assume the County will construct a 600 TPD municipal solid waste composting facility and landfill all the process residue at the County's Northern Landfill.

We also developed two additional cases for the composting option which assume the County will have to pay \$15 per ton to transfer and transport the 420 TPD of finished compost product to some party who will accept the material at no cost to the County.

- 5) Continue landfilling waste at the Northern Landfill and site a new landfill when the Northern Landfill has been depleted.

This results in nine different sets of projections for each of the two waste delivery levels, for a total of eighteen sets of Projected Operating Results.

To assist the County in its evaluation, we have estimated the number of years of useful life of the Northern Landfill if the County decided to landfill all solid waste generated in the County. We estimate that under that operating assumption, the Northern Landfill would be fully depleted within approximately ten to eleven years based on an assumed compaction rate of municipal solid waste of 1,200 pounds per cubic yard. This compares to an estimated useful remaining life of the Northern Landfill of approximately 50 years under a continuation of the long-haul transfer option. Determining both the cost and the amount of time required to acquire a parcel of land of sufficient size to serve as replacement for the Northern Landfill was beyond the scope of this review. However, based on our experience on behalf of other public sector entities, we would expect that it could require a significant amount of time to locate, purchase, permit, design and construct a new landfill. The County should not under estimate the value to the County of the potential airspace at the Northern Landfill.

To demonstrate the impact on the required level of tipping fees, at the County's request, we have also developed an alternative set of analyses which assume the County accepts only that solid waste currently being delivered to the System. The results of that analysis are presented in Table 1-1 below.

In addition, at the County's direction, all the cases assume the County will repay the current Solid Waste Fund Deficit of approximately \$9,000,000 by paying \$1,000,000 per year during each of the next nine years.

Presented in Table 1-1 is a summary of the estimated total cost of disposal for both of the assumed waste delivery scenarios of the five options (and four variations) outlined

above during the period 2006 through 2031. Also presented in Table 1-1 is a summary of the net present value of the calculated total cost of disposal assuming a discount rate of five percent. It should be noted that in all eighteen cases, we have assumed that the County will continue to long-haul transfer from 2006-2011 while the facilities are being permitted, financed and constructed so the cost of all nine cases is the same during that time period.

We have also included an estimate of the average cost per ton to allow the County the ability to compare the unit costs between the two different levels of waste deliveries to the System.

Table 1-1
Summary of Estimated Cost of Disposal
(\$000)

System Disposal Cost	Nominal Cost	Net Present Value	Nominal Cost \$/ton	Net Present Value \$/ton
100 Percent County Waste to System				
Long-Haul	\$542,700	\$288,100	\$67	\$36
Long-Haul / Increased Fuel Costs	\$746,700	\$371,200	\$92	\$46
600 TPD Waste-to Energy Facility	\$654,400	\$345,400	\$79	\$42
Regional 1200 TPD Waste-to Energy Facility	\$546,700	\$293,600	\$66	\$36
Compost Facility / Landfill	\$554,300	\$299,400	\$68	\$37
Compost Facility / Long-Haul	\$599,600	\$320,400	\$74	\$40
Compost Facility with Haul Cost/ Landfill	\$606,500	\$323,900	\$74	\$40
Compost Facility with Haul Cost/ Long-Haul	\$651,900	\$345,000	\$81	\$43
Landfill	\$465,800	\$240,800	\$52	\$28
Current Waste Stream Received at System				
Long-Haul	\$406,300	\$218,600	\$72	\$39
Long-Haul / Increased Fuel Costs	\$548,400	\$276,500	\$97	\$49
600 TPD Waste-to Energy Facility	\$528,400	\$280,200	\$93	\$50
Regional 1200 TPD Waste-to Energy Facility	\$420,600	\$228,300	\$74	\$40
Compost Facility / Landfill	\$441,100	\$238,500	\$78	\$42
Compost Facility / Long-Haul	\$463,100	\$250,900	\$82	\$45
Compost Facility with Haul Cost/ Landfill	\$493,400	\$263,100	\$88	\$47
Compost Facility with Haul Cost/ Long-Haul	\$515,400	\$275,500	\$92	\$49
Landfill	\$358,900	\$186,200	\$58	\$32

The information in Table 1-1 indicates that the lowest cost option, on a net present value basis, involves only landfilling at the Northern Landfill until that facility is depleted and then siting a new landfill at some other location in the County.

Representatives of the County have indicated that landfilling only is not their desired approach and of the other alternative options considered, the lowest cost option is a continuation of the long-haul alternative – assuming that the cost of long-haul increases each year at the assumed annual rate of inflation of 2.4 percent. We have defined “long-haul” as any option which requires the use of a transfer station and transfer vehicles to transport waste for disposal outside the County. Our experience indicates that it is not economical to transport waste in collection vehicles for distances greater than 35 to 30 miles, one way. If one assumes that the cost of long-haul goes up at twice the rate of inflation (4.8 percent per year) because of continued increases in the cost of diesel fuel, the total costs of the long-haul option for the 100 percent County waste to System cases are calculated to increase from \$287,900,000 to \$371,200,000. In that case, the construction of a 1,200 TPD regional waste-to-energy facility and the construction of a 600 TPD compost facility (with disposal of non-processible at the County Landfill) are calculated to be the lowest cost options, other than only landfilling in the County. Assumptions regarding the future price of diesel fuel will have a significant impact on the long-haul option.

It is important to note that the estimated capital and operating expenses of the composting options used in our analysis were conceptual planning estimates developed by the Authority’s composting consultant (the “Compost Consultant”). The Compost Consultant assumed that the compost material derived from the processing of municipal solid waste will not generate any revenue because of the contaminants that will remain in the final compost product. Such contaminants include small pieces of plastic, glass, metal, and other inorganic matter. In addition, the analysis assumes that the County will be able to find some source who will be able to utilize 420 TPD of compost material processed from municipal solid waste at no cost to the County. In the event the County must pay some fee for the removal and disposal of the compact product, the cost of the compost options will increase accordingly. We believe the County will find it a challenge to find a market for 420 TPD of compost product processed from municipal solid waste. Because of our belief that it is unlikely that the County will be able to find a credit-worthy entity who can utilize 420 TPD of compost produced from municipal solid waste, we ran additional analyses for the two compost options which assume the County will have to pay \$15 per ton to haul the compost product to a site where it can be beneficially used.

The analysis presented in Section 6 of this Report indicates that the compost options are not economically competitive with other alternatives being considered. Therefore, due to the uncertainty of the technology, the higher costs and the lack of a market for the final product, we are of the opinion that the County eliminate the composting of solid waste as an option as it continues its evaluation of alternatives.

The projected operating results indicate that there are significant savings which could be realized by increasing the size of a waste-to-energy facility from 600 TPD to 1,200 TPD, which strongly favors a regional approach to the implementation of waste-to-energy facility.

The County has indicated that it has the following three principal criteria it will consider in evaluating waste disposal options:

1. Manage costs in a predictable fashion;
2. Remain independent; and
3. Maximize the life of the Northern Landfill.

Presented in Table 1-2 is a summary matrix which presents the waste disposal options and the ability of that option (expressed in high, medium or low) to meet the County's three primary objectives.

**Table 1-2
Summary Matrix**

Option	Manage Cost Predictably	Maintain Independence	Maximize Life of Landfill
Long Haul	Low	Low	High
600 TPD WTE Facility	High	High	Medium
Regional 1,200 TPD WTE Facility	High	High	Medium
Compost Facility/Landfill	Low	High	Medium
Compost Facility/Long Haul	Low	High	High
Continued Landfilling	Medium	High	Low

Funding Strategies

Section 7 presents information on alternative strategies for different methods of funding the cost of the County's solid waste management services. The different funding strategies available for the County's consideration include tip fees, a system benefit charge ("SBC"), user fees and impact fees. Section 7 sets forth a lengthy discussion of the specific features of each strategy, the impact on stakeholders, the steps required to implement each strategy and advantages and disadvantages of each of these four funding strategies. In reviewing these funding strategies, the County will need to consider the system which is equitable, simple to administer and easy to predict. Further, because the County has debt on the System, it will need to adopt a funding strategy which attracts sufficient waste to the System to allow the generation of sufficient revenues to meet the System's revenue requirements.

In addition to the four funding strategies, Section 7 discusses alternative methods of controlling where solid waste is disposed. These methods include: 1) flow control strategies; 2) private hauler licensing/permitting and the creation of franchise/contract collection districts.

Based on feedback from the County, it is believed that tip fees, SBCs and impact fees have the greatest potential to be politically acceptable, while county-wide franchising/contracting is less feasible at this time. Appendix B of this report provides a detailed evaluation of the structure and possible range of tip fees, SBCs and impact fees were the County to pursue these funding mechanisms.

Tip fees are in fact the primary current revenue source for the System, and will almost certainly remain so in the future. Of the remaining funding strategies shown in Appendix B, we note that solid waste impact fees are extremely rare in the industry, and can identify only four municipalities that have implemented such fees. For this reason, it is recommended that impact fees for solid waste not be pursued at this time.

Ultimately, we believe it is likely that the County will have to implement SBCs in some form and for at least some customer classes to assure a means of recouping System revenues. Our analysis suggests that the maximum residential SBC would be in the range of \$81 per year for a single family household assuming the County continues to manage the current fraction of wastes generated in the County, but would decrease to \$75 if the County managed all waste (and therefore generated tip fee revenues on all wastes).

Finally, we note that having SBCs would provide a mechanism for the County at some point in the future to improve control of solid waste collection in the County in the form of contracts or franchises. Contract costs could be charges to appropriate customer classes via the SBC, while wastes collected could be directed to County-managed facilities. Such a system would provide maximum control of solid waste in Carroll County, and also maximize throughput at County-managed facilities resulting in lower unit costs for these facilities.

1.4 Project Development and Management:

Several of the options discussed in this report involve the development, financing and management of capital intensive, complex projects. This is particularly true for landfill gas recovery, waste to energy facilities and recycling processing facilities.

As a Member of the Northeast Maryland Waste Disposal Authority, the County has access to experienced professionals who will work on the County's behalf to get a project built at the lowest cost, and to manage the project for the long term. The Authority can also own the facility on behalf of the County, or can manage a privately owned facility. These decisions will be made by the County.

As an example of the activities associated with these projects, we have listed typical project requirements for which the Authority can provide assistance to the County.

Project Development

- Assist the County in finding a suitable site
- Assure the provision of utilities, including water, wastewater, and electricity
- Define the permitting requirements

Project Procurement

- Conduct a public competitive procurement
- Write a Request for Proposals and issue

- Respond to vendors' questions
- Review responses and write evaluation report
- Assist the County in selection of a vendor

Project Contracts

Negotiate contracts for:

- Site Purchase or Site Lease
- Purchase and sale of energy (steam and/or electricity)
- Residue Disposal (If out of County)
- Transportation Services
- Full Service Design-Build-Operate Contract

Project Finance

- Prepare financial analysis to assist the County in selecting a financing option
- Prepare and circulate all bond documents
- Arrange and conduct sale of bonds

Construction Management

- Provide a qualified engineer to oversee construction and acceptance testing

Operations Management

- Review Vendor's performance and compliance with contracts
- Manage any disputes on behalf of the County

1.5 Conclusions

Presented below are the principal conclusions we have reached regarding our analysis of the County's recycling program, waste disposal options, and funding strategies.

1. There are a series of relatively low cost options the County could undertake to improve the efficiency of its current recycling program. These measures are described in detail in Section 4 of the Report and fall within the following general categories: (a) attempt to develop better information and data on the current recycling program; (b) improve education and outreach within the County; and (c) change the hauler licensing requirements to either increase the level of recycling or reduce the cost of recycling.
2. There are several additional changes the County could consider making to the recycling program which would be more expensive than the options identified

- above. These include: (a) managing the collection function on a regional basis; (b) develop franchise areas for the collection of both solid waste and recyclables; and (c) consider single stream collection of recyclables.
3. The projected lowest cost disposal option analyzed as part of this Report involves a resumption of only landfilling solid waste at the Northern Landfill until that site is depleted and then siting a new landfill someplace in the County. However, the County has indicated that landfilling in the County is the least desired alternative. The next lowest cost disposal option we identified would be a continuation of the current long-haul transfer operation if the annual cost of such an option increases at the rate of inflation. However, if, due to increases in fuel costs, the cost of long-haul transfer goes up at a rate greater than inflation, the construction of a 1,200 TPD regional waste-to-energy facility and the construction of a 600 TPD municipal solid waste composting facility are projected to be more economical options, if the County can find a credit-worthy party to take 420 TPD of compost material at no cost to the County.
 4. The composting options are based on the assumption that the County will be able to find some credit-worthy source who will take 420 TPD of compost product processed from municipal solid waste at no cost to the County. Based on the reported problems with quality and contaminants as discussed in Section 5 of this Report, we believe that it will be a challenge for the County to realize this assumption. Therefore, the cost of the compost options will increase by whatever fee the County may be required to pay for the removal of some or all of the composted material. In addition, we believe it is extremely unlikely that the County will be able to execute a long-term contract with a credit-worthy entity who would agree to take the compost product produced by a municipal solid waste composting facility. We have included two sensitivity analyses which assume the County must pay \$15 per ton to transport the finished compost product to a third party. Due to the technical challenges of the technology, the uncertainty of finding a credit-worthy entity who will take 420 TPD of compost product processed from solid waste, and the potential additional cost to transport and/or dispose of the material, we recommend the County eliminate the solid waste compost alternatives from further consideration.
 5. Based on our analysis of alternative funding strategies and on feedback from the County as to what may be politically acceptable, it appears that a combination of tip fees and SBCs represent the most appropriate combination of revenue mechanisms to fund the County's solid waste system at this time. Tip fees are already the primary source of System funding. This analysis suggests that the maximum SBC for a single family households is in the range of \$81 annually assuming current waste flows, with the rate reduced to \$75 if the County managed all wastes generated in the County. To the extent feasible, we note that contracting for solid waste collection in the County unincorporated areas would further support the County's control of waste flow, and could be billed as a component of the SBC.